

REMARKS

I. Pending Claims

Upon entry of this response, claims 41-70 will be pending in the present application. Claims 1-40 are cancelled, and claims 41-70 are newly added.

II. Restriction Request

Restriction to one of the following inventions was requested by the Examiner:

A. Claims 1-28, 30-35, 37-40, allegedly drawn to a method for extending a media rental period, classified in class 725, subclass 58.

B. Claims 29 and 36, allegedly drawn to a method for extending a media rental period based on available bandwidth, classified in class 725, subclass 95.

Applicants, which had provisionally elected the invention corresponding to claims 1-28, 30-35, 37-40, hereby re-affirm this election as requested by the Examiner.

III. Claim Rejections and Objections

Claims 1-40 are cancelled without prejudice, waiver, or disclaimer. Therefore, rejections of and objections to claims 1-40 are rendered moot. Applicants are not addressing the validity of assertions made by the Examiner regarding claims 1-40 since the validity of such assertions may not be relevant to the allowance of the newly presented claims 41-70. Therefore, Applicants should not be presumed to agree with any statements made by the Examiner regarding claims 1-40 unless otherwise specifically indicated by Applicants.

IV. Official Notice in Office Action

The Examiner has taken Official Notice that "it is a well known practice in the art to bill consumers different prices for a resource based on the particular selected options."

According to MPEP 2144.03, "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known."

MPEP 2144.03 also states that "If such notice is taken, the basis for such reasoning must be set

forth explicitly. The Examiner must provide specific factual findings predicated on sound technical and scientific reasoning to support his or her conclusion of common knowledge."

Applicants respectfully traverse the Examiner's Official Notice for at least the following reasons:

1. The fact sought to be established by the Official Notice is not capable of "instant and unquestionable demonstration as being well-known."
2. The bases for the Official Notice were not set forth explicitly.
3. The Examiner did not provide specific factual findings predicated on sound technical and scientific reasoning to the support the conclusions of common knowledge.
4. The Examiner failed to cite documentary support for the Official Notice.

V. Amendments To The Drawings

The Drawings have been amended as indicated above.

VI. New Claims

Claims 41-70 have been newly added. The newly added claims 41-70 are adequately supported by the specification, including FIGS. 7 and 8 and their related description. Consideration of new claims 41-70 is respectfully requested. The prior art cited by the Examiner does not disclose, teach, or suggest the combination of any of the newly added claims 41-70.

Claim 41

Claim 41 is allowable for at least the reason that none of the cited references teach, suggest, or disclose "providing the user with a selectable option during the first access duration, the selectable option being configured to enable the user to access the video presentation during a second access duration that is later in time than the first access duration."

Claims 42-50

Claims 42-50 are allowable for at least the reason that they depend from claim 41 which has been shown to be allowable over the cited references.

Claim 51

Claim 51 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “provide the user with a selectable option during the first access duration, the selectable option being configured to enable the user to access the video presentation during a second access duration that is later in time than the first access duration.”

Claims 52-60

Claims 52-60 are allowable for at least the reason that they depend from claim 51 which has been shown to be allowable over the cited references.

Claim 61

Claim 61 is allowable for at least the reason that none of the cited references teach, suggest, or disclose “means for providing the user with a selectable option during the first access duration, the selectable option being configured to enable the user to access the video presentation during a second access duration that is later in time than the first access duration.”

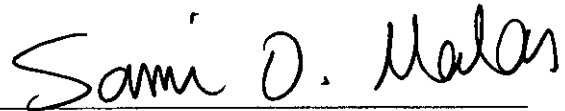
Claims 62-70

Claims 62-70 are allowable for at least the reason that they depend from claim 61 which has been shown to be allowable over the cited references.

CONCLUSION

Applicants respectfully maintain that the currently pending claims 41-70 are in condition for allowance. Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned attorney at (770) 933-9500.

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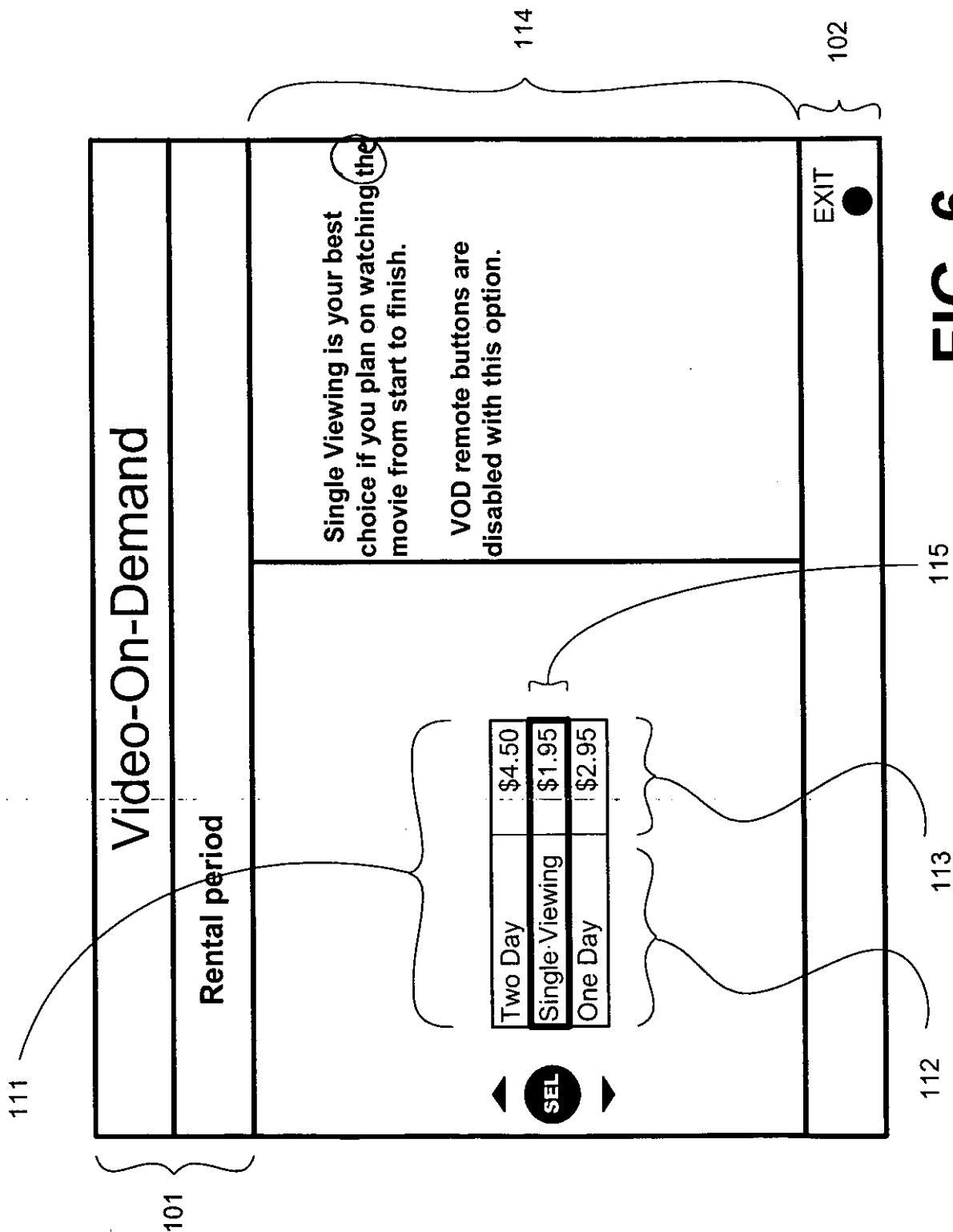


FIG. 6



13 / 14

180

111

113

112

RENTAL PERIOD ENDED
THANK YOU FOR RENTING TITANIC (WOULD YOU LIKE TO PURCHASE A RENTAL TIME EXTENSION?
<input type="radio"/> A YES <input checked="" type="radio"/> C CANCEL

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FIG. 13